



DATE: May 13 , 2015

APPROVED BY: Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

April 28, 2015

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Zondag called the meeting to order at 5:30 p.m.

ROLL CALL

The following members were present: Messrs. Morse, Schaedlich, Zondag and Ms. Hausch and Ms. Pesec. The following member alternates were present: Messrs. Flenner for Siegel, Graham for Adams, Martin for Troy, and Webster for Brotzman. Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Mr. Radachy and Ms. Myers.

The Chair introduced and welcomed Mr. Adams' new alternate, Mr. Ronald Graham, Health Commissioner at the Lake County Health District.

MINUTES

Mr. Morse moved to approve the minutes from the March 31, 2015 Planning Commission Meeting as submitted. Mr. Graham seconded the motion.

Eight voted "Aye".

One abstained.

FINANCIAL REPORTS

Mr. Radachy said we have been asked to complete a five-year capital needs assessment. Staff is considering a new plotter to replace the one that was purchased in 2000. With new computers, it is becoming increasingly harder to communicate with the plotter. We are also looking at new computers for staff in the future and revenue projections for next year along with a five-year revenue projection.

Ms. Pesec moved and Ms. Hausch seconded the motion to approve the March 2015 Financial Report.

All voted "Aye".

PUBLIC COMMENTS

There were no public comments.

LEGAL REPORT

Assistant Prosecutor, Gianine Germano, stated she had nothing to report.

DIRECTOR'S REPORT

Mr. Radachy reported:

- The Planning Commission Annual Report for 2014 was left at each member's station tonight. The report covers subdivision review, land use and zoning review, committees and what they have done over the year, and the appropriations and expenditures for 2014. This consists of the portion of the office activities covered by the Planning Commission only. Another annual report will be created to cover activities in 2014 at the Planning Office and Community Development level where the Commission is not directly involved.
- Our new Planner I, Monica Jordon, started on April 13, 2015. She is working part-time on Mondays, Wednesdays and Fridays until she graduates from Cleveland State University on May 9, 2015. She will be starting full-time on May 11, 2015.
- The staff has been working on the Painesville Township Comprehensive Plan. They just completed a community survey via Survey Monkey, and 600 responses have been received.
- Mr. Radachy has been helping Fairport Harbor with various zoning issues.
- Staff has helped Madison Township write bed and breakfast regulations and some entertainment zoning text for the wineries because of some issues that have occurred to make sure they work well with their existing neighbors.
- A Consolidated Boundary and Annexation Survey (BAS) through the U.S. Census Bureau requires a yearly update on annexations and changes of any borders. Letters have been sent out to the 23 Lake County communities asking if they want us to provide boarder and annexation changes to the Census Bureau for them. This way, there would be just one voice speaking for the County as a whole versus 23.

Mr. Graham asked when the office consolidation occurred and Mr. Radachy replied saying that up until 2013, the Planning Commission had its own staff. In 2013, the Commissioners' combined the

Federal Grants Office with the Planning Commission Office and became the Office of Planning & Community Development.

Mr. Graham asked Mr. Radachy if he had looked into local government innovation funding or anything else and Mr. Radachy replied not at this time.

ANNOUNCEMENTS

Mr. Radachy announced that the Northeast Ohio Planning and Zoning Workshop had secured the Youngstown YWCA for Friday, June 5, 2015. Mr. Jim Rokakis from the Western Reserve Land Conservancy will be the keynote speaker. He will be speaking on land development in the future.

SUBDIVISION REVIEW

Concord Township – Orchard Hollow, Phase 2, Final Plat Approval Extension, 26 Lots, 23.86 Acres

Mr. Radachy stated that the Final Plat approval for Orchard Hollow, Phase 2 Subdivision in Concord Township was given by the Planning Commission on April 30, 2013. Ralph Victor Construction is the Developer and Barrington Consultants is the Surveyor. There are 26 sublots on 23.8624 acres of land. The Preliminary Plan was approved in December 2008. According to the Subdivision Regulations, if the Plat is not recorded by April 30, 2015, it loses its approval or must be extended. The Developer is asking for the Final Plat approval to be extended on this Subdivision.

The Subdivision is located off Girdled Road at the end of Orchard Road with an extra cul-de-sac off the end. According to the Subdivision Regulations, the Developer is allowed to ask for two one-year extensions. This is the first request for an extension.

Staff is recommending approving the extension for one year.

Mr. Zondag asked what the three boxes shown on the Plat were and was told they were existing lots with houses.

Ms. Pesec asked the reason for the delay.

Mr. Radachy responded that they were unable to file because of the delay of the wetland permitting process. Their original permit expired and because it lapsed, they had to go through the process again. During that time, the requirements of the permit changed, and it has taken a year to obtain the new permit from the Army Corps of Engineers. There was concern that the Army Corps of Engineers and Ohio EPA were considering relocating this road to a different location which would have required a new road alignment. The road, in the end, was not moved and the Developer is asking for an extension on the Final Plat approval.

Ms. Pesec asked if there was a wetland or a stream crossing concern.

Mr. Todd Victor of Ralph Victor Construction, 20 Elberta Road in Painesville, Ohio, confirmed the issue being considered was a stream crossing. He explained there was a culvert at the top of Orchard Road that the agencies did not like being as long as was planned.

Ms. Pesec asked how it was resolved and Mr. Victor stated they shortened the culvert and received the okay of the Lake County Engineers and the Army Corps.

Mr. Radachy stated the dotted lines on the Plat in the members' packets tonight showed where the location of the stream is.

Mr. Zondag asked if there were any other delays anticipated on the project.

Mr. Victor said they were okay with everyone and they would be going into the Lake County Engineer's office tomorrow afternoon.

Mr. Martin moved to go forward with the one-year extension for the approval of the Orchard Hollow, Phase 2 Subdivision Final Plat. Mrs. Hausch seconded the motion.

All voted "Aye".

SUBDIVISION ACTIVITY REPORT

Mr. Radachy reported the following activity on subdivisions:

- Summerwood, Phase 4-J Subdivision, another lot on the cul-de-sac, was recorded.
- Staff is working with the Western Reserve Community Development Corporation to get their cul-de-sacs accepted for Lake Terrace and the beachfront in Painesville Township. Currently, there are turnarounds in easements that Western Reserve owns. They are trying to get them accepted as right-of-ways.
- Stoneridge, Phase 1A Subdivision is currently going through the process of getting their water and sanitary sewer lines placed into maintenance. The Sanitary Engineer has sent a letter that they are acceptable to receive a Maintenance Surety, and they should be on next week's County Commissioners' agenda.
- Lot splits for 2014 have done well. This is the first time we have done over 32 lot splits since 2006. In the three-year period of 2011, 2012 and 2013 lot splits only equaled 32. We basically tripled the number of splits in 2014 and equaled the total number of the previous three years.

LAND USE AND ZONING REVIEW

Concord Township – Zoning District Amendment from GB, Gateway Business & RD-2, Research & Development 2 and BX, Business Interchange to C, Capital

Mr. Radachy described the property to be included in the Concord Township zoning district change from RD-2, BX and GB to C, Capital as consisting of 112 acres. The land on Crile Road is zoned BX. The land between Auburn Road and S.R. 44 and a little section on the opposite side of S.R. 44 is zoned GB. The remaining land is zoned RD-2. Surrounding area uses are residential, commercial, golf course, industrial and vacant land.

The 2004 Comprehensive Plan states that this area should be industrial. The 2006 Auburn-Crile Plan created an overlay district showing a pedestrian-friendly area. Staff had emailed a copy of this overlay to the members prior to the meeting. The goals and objectives from the 2004 Comprehensive

Plan state that the Township should at least maintain an 8/92% split between commercial and residential tax bases by directing commercial development to areas designated by the Township and providing for a limited amount of smaller-scale cluster, attached, and senior housing in areas served by sewer/water services conveniently located to retail, transportation. This Plan does create a limited amount of attached housing. Up to 30% of the Capital District could be attached housing. The Auburn-Crile Plan suggested a Gateway District Planned Use Development, which is a pedestrian-friendly area. The Capital District is 70% non-residential commercial uses, which helps with the 8/92% Concord is trying to achieve. The Capital District was created in November, 2014 by a Resolution of the Township Trustees and is a conditional use which states any amount of residential in excess of 30% has to be approved by the Board of Zoning Appeals (BZA) before it can be implemented.

Staff is recommending the district amendment.

Mr. Zondag asked for clarification on the percentages and Mr. Radachy explained the 92% is residential and the 8% is commercial or non-residential. The point of this is for the 8% to help pay for the 92% because the cost of community studies always show that residential does not pay for itself.

Mr. Zondag also stated that in that same statement they are saying the residential use should not exceed 30% of the site involved.

Mr. Radachy stated that was a requirement of the Capital District, which is a conditional use so that would need to be approved by the BZA before it can be implemented. The maximum that can occur is 30% of the site, which is 33 acres of the land that is proposed to become the Capital District. Each piece of property will become individualized so that 33 acres may become a smaller number because of pockets of residential.

Mr. Zondag inquired of the residential being private individual homes rather than condos or anything else like that.

Mr. Radachy stated that it will probably be condos because it is not feasible to do single-family residential there.

Ms. Pesec said only two-story townhouses are included, but it does not say what kind of ownership they will have. She also stated that 30% of that is up to eight two-story, attached townhouse units per acre. It is mandatory they be two-story units. They consist of apartments and condos combined in a mixed-use district. She stated older persons or someone in a wheelchair would not be able to live in a mandatory two-story unit without an elevator. They are being done three to eight units attached in a row so the developer does not have to put in an elevator.

Mr. Radachy stated that he believed that when the Center Street Elementary School in Mentor was converted to condos, they also built two-story condos behind it with elevators. There is a possibility that they could put elevators into a townhouse.

Ms. Pesec said that the Fair Housing Act requires that when there are three or fewer units attached, then there are no elevators required. Staying at three to eight units will keep them where elevators are not required.

Mr. Zondag asked if there were any issues with traffic and Mr. Radachy replied they were saying that when the Capital Extension connector is developed, there will be a whole new traffic pattern.

Ms. Pesec asked if a traffic study was ever done and Mr. Radachy replied that he did not know.

She said, for the record, the 2006 Auburn/Crile Plan was a small three-parcel section and only allowed commercial. It did not allow any multi-family homes. In the 2014 Comprehensive Plan, numbers were put together by the Zoning Commission people and the Board of Zoning Appeals people. Other people were not allowed to serve on the committee. They changed this section to allow up to 30% multi-family and up to eight units per acre, which would decrease the eight percent. Looking at this Plan and the idea of live, work and play, she wondered how people in that parcel on the far right bottom were going to walk across S.R. 44 to go anywhere.

Mr. Radachy stated that there was a road coming out of Quail Hollow in that area that would connect and they will have the ability to be able to walk into Quail Hollow and use those roads.

Ms. Pesec stated the big parcel on the left is the town center where the majority of the supposed activities will take place. For the people on the east side of Rt. 44 to get an ice cream cone, even though there would be a street, would not be ideal.

Mr. Zondag said there is nothing they can do about Rt. 44. There is nothing that is going to change that issue.

Ms. Pesec stated at least with the new road, there will be a light.

Mr. Morse said the Land Use and Zoning Committee recommended these text amendments.

Mr. Webster moved to recommend approval of the Concord Township district change of GB, RD-2 and BX to C as submitted and per Land Use and Zoning's recommendations. Ms. Hausch seconded the motion.

Seven voted "Aye".

One opposed.

Painesville Township – Zoning Text Amendment to Sections 1-22, 25-27, 32 and 33

Mr. Radachy introduced the Painesville Township zoning text amendments to Sections 1-22, 25-27, and 32 and 33 as being submitted by Little Mountain Homes. The co-applicants are Barr Brothers, Pro-Built Homes, Inc., B.R. Knez, Barrington Homes, Inc. and William R. Dawson and Son, LLC. The Township is submitting a text amendment requesting that all setback lines be measured from the foundation to the property line. Roof overhangs including gutters and cantilevers are not to exceed 24 inches. The Township's current text measures from the overhang or closest point of the building to the property line.

He also stated that Painesville Township has the smallest lot sizes and the smallest sideline clearances of the five townships. They currently require 10 feet for sideline clearances in the R-1 and R-2 and a FPUD can reduce that to seven feet. Because they have a lot of non-conforming lots, they do have language that allows a reduction setback for those lots so they can put a home on these properties without going to the Township Board of Zoning Appeal every time someone wants to put a house on a 40 foot lot. If they allow 24 inches to extend in the side-yard clearance, there could be a

distance of only eight feet between overhangs. If they were to allow both a cantilever and an overhang, that could reduce the distance between overhangs to six feet.

Painesville Township requires 10 feet between building and property line, which is 20 feet between buildings. Concord Township and Perry Township require 15 feet, 30 between buildings. Madison Township requires a total of 25 for both sides of the building in R-2, but a side can be as little as 10 feet. The distance between buildings would be 20 to 30 feet depending on the layout of the homes. The other districts start at 15 feet and go up from there. Leroy Township is the largest with a 20 foot sideline clearance, 40 feet between buildings.

Land Use and Zoning and staff recommended that the text amendment not be accepted as submitted because they are concerned about the distance between buildings being too small. They recommended that Painesville Township and the builders meet and work out language that would allow for a limited amount of projections (maybe a percentage of the length of the wall) to enter into the sideline clearances but still maintain the 10 feet from overhang to overhang because the distance in this Township is so much smaller than the other townships.

Concord Township requires a side-yard setback of the building, but allows for projections into the side yard. "Projections into Required Yards: Appurtenances, such as skylights, sills, belt courses, cornices, and ornamental features attached to the principal building may project not more than 24 inches into a required yard. The ordinary projections of chimneys, flues or bay windows are also permitted in the required side, rear and front yards. Wing walls attached to and made part of the principal building shall conform to the minimum clearance requirements for principal buildings, as outlined in this Section. (4.1.2011)"

Mr. Morse moved to accept the recommendation of the Land Use and Zoning Committee to not approve this text amendment. Mr. Graham seconded the motion.

Six voted "Aye".
Two abstained.

REPORTS OF SPECIAL COMMITTEES

Mr. Radachy said no special committees met this month, except for the Land Use and Zoning Committee and those minutes are included in tonight's handout.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Ms. Pesec moved and Mr. Flenner seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:07 p.m.